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OFFICE OF PETITIONS

In re Application of	:	
Augustine W. Chang	:	DECISION DISMISSING
Application No. 10/800,257	:	PETITION
Filed: March 11, 2004	:	
Attorney Docket No. 3064P	:	

This is a decision on the petition filed June 28, 2004, which is being treated as a petition requesting that the above-identified application be accorded a filing date of March 11, 2004, with Figure 7 as part of the original disclosure.

On March 11, 2004, applicant filed the above-identified application. On June 1, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)," stating that a filing date had been assigned in the application; however, Figure 7 described in the specification appeared to be omitted from the application.

In response, on June 28, 2004, applicant filed the present petition, and a copy of Figures 7A, 7B, 7C, and 7D. Applicant asserted that all figures numbered 1 through 12 as described in the specification were submitted on the filing of the application. Applicant further asserted that a total of 23 sheets of drawings were submitted on filing, as evidenced by the enclosed date-stamped postcard receipt. Applicant submitted a copy of the date-stamped postcard receipt, indicating 23 sheets of drawings were filed on March 11, 2004. Additionally, applicant submitted a copy of Figures 7A, 7B, 7C, and 7D.

The Office notes that the specification submitted on filing indicated that Figure 7 illustrates the floating gate film being deposited along with the sandwiched films and photo-resist coatings.

A review of the record indicates that applicant did indeed file 23 sheets of drawings, including Figures 7A, 7B, 7C, and 7D.

However, the 23 sheets of drawings do not include Figure 7. Therefore, Figure 7 cannot be considered a part of the original disclosure of the application because it was not present on March 11, 2004, the date the application was filed. Accordingly, the application cannot be accorded the filing date of March 11, 2004, with Figure 7 as a part of the original disclosure.

Accordingly, the petition is dismissed.

The Office of Initial Patent Examination is directed to process the application with a filing date of March 11, 2004, using only the drawings submitted on that date, and indicating in the Office records that 23 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

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